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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,071	07/31/2003	Barbara Elaine Blair	100123692-1	2061
22879 7590 05/16/2008 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400				
EXAMINER				
SWEARINGEN, JEFFREY R				
ART UNIT		PAPER NUMBER		
2145				
NOTIFICATION DATE		DELIVERY MODE		
05/16/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/632,071

Applicant(s)

BLAIR ET AL.

Examiner

Jeffrey R. Swearingen

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4, 6, 9, 10, 14-16 and 18-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 6, 9, 10, 14-16 and 18-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/15/08 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 4, 6, 9-10, 14-16, and 18-20 and 22-23 are rejected under 35 U.S.C. 102(b) as being anticipated by lida (US 5,900,608).

5. In regard to claim 1, lida disclosed:

an audio memory card defining a memory device independent of, and separate from, a media player; column 9, lines 15-31

a memory card reader configured to removably receive, via slidable insertion, the audio memory card and configured to write at least one portable audio file into the audio memory card; column 9, lines 15-31

a controller configured to direct transfer of the at least one portable audio file, independent of a personal computer, via a modem from an internet-located digital content service provider directly into the audio memory card; and column 9, lines 15-31

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an interactive graphical display configured to display information regarding the at least one portable audio file and configured to direct transfer of the at least one portable audio file via activatable functions on the display, the interactive graphical display including:

an audio file selector configured to enable selection of the at least one portable audio file from plurality of portable audio files accessible at the internet-located digital content service provider for transfer from the internet-located digital content service provider directly into the audio memory card. Figure 27

6. In regard to claim 2, lida disclosed:

a protocol driver configured to cooperate with the controller to facilitate reading and writing of the at least one portable audio file on the audio memory card in a plurality of storage formats. Column 9, lines 32-44

7. In regard to claim 4, lida disclosed:

the controller is configured to simultaneously transfer a digital image file and the at least one portable audio file from the internet-located digital content service provider to an image memory card and the audio memory card, respectively. Column 13, lines 45-67; column 14, lines 24-63

8. In regard to claim 6, 15, lida disclosed:

the memory card reader is configured to receive an image memory card, wherein the controller is configured to transfer the digital image file, and wherein the user interface comprises:

an image memory card identifier configured to identify at least of a name, a title, and a number of the image memory card; column 14, lines 1-9

an image selector configured to select at least one image file of a plurality of images files for processing from the digital content service provider for transfer to the image memory card; column 13, lines 25-44

a format selector configured to select a format for processing; column 13, lines 25-44

a delivery selector configured to select a method of delivery of the processed digital images files; and column 13, lines 25-44

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an image gallery configured to enable viewing the digital images files. Column 13, lines 25-44

9. In regard to claim 9, lida disclosed:

a network communication link configured to establish communication between the modem of the digital content transfer system and the internet-located digital content service provider; and column 14, lines 24-32

a media player connected to the network communication link and configured to generate a graphical user interface of the digital content transfer system with portable audio file selections offered by the internet-located digital content service provider, and configured to play the at least one portable audio file of the audio memory card. Figure 27

10. In regard to claim 10, lida disclosed:

a web site configured to configured to [sic] download the at least one portable audio file directly, via the modem, to the audio memory card that is removably, slidably inserted within the memory card reader of the digital content transfer system. Figure 27

11. In regard to claim 16, lida disclosed:

storing the portable music file in a memory of the single appliance. Inherent to the transmission of data between the two devices, since the memory must be "stored" in a memory or buffer upon receipt

12. In regard to claim 18, lida disclosed:

initiating a download function via a single button of a user interface of the single appliance, without further instruction, to begin writing the portable music file from the internet-located [sic] digital content service provider to the single appliance. Figure 34

13. In regard to claim 19, lida disclosed:

simultaneously retaining in the single appliance each of the music memory card, an image memory card, and a multimedia memory card. Column 9, lines 15-31

14. In regard to claim 20, lida disclosed:

the at least one portable audio file comprises a music file. Column 10, lines 44-52

15. In regard to claim 22-23, lida disclosed:

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the music file comprises a song. Column 10, lines 44-52

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 21 and 24 rejected under 35 U.S.C. 103(a) as being unpatentable over Iida in view of Official Notice.

18. In regard to claims 21 and 24, Official Notice is taken that one of ordinary skill in the art at the time of invention possessed knowledge that a music file downloadable over the internet for playback and recordable on any music device such as a MD or CD was storable in many formats, including MP3 and WMA. These formats were compressed to reduce storage and save on data transfer costs and time. It would have been obvious to one of ordinary skill in the art at the time of invention to use the MP3 or WMA format with Iida to enable storing more music files and decrease transfer time for files.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dockes et al.	US 5,974,004
Kim et al.	US 6,330,490
Newcomb et al.	US D463,395
Van Zoest et al.	US 6,496,802

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571)272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeffrey R. Swearingen
Examiner
Art Unit 2145

/J. R. S./
Examiner, Art Unit 2145

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145